

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, AMENDING FRISCO'S COMPREHENSIVE ZONING ORDINANCE NO. 00-11-01 AND CITY OF FRISCO ORDINANCE NO. 05-08-57; GRANTING A SPECIFIC USE PERMIT FOR A PARKING STRUCTURE (GREATER THAN 48- FEET IN HEIGHT), LOCATED ON A TRACT OF LAND SITUATED IN THE W.B. WATKINS SURVEY, ABSTRACT NO. 1004, IN THE CITY OF FRISCO, COLLIN COUNTY, TEXAS, CONTAINING 5.5 ACRES OF LAND, MORE OR LESS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE, CITY OF FRISCO ORDINANCE NO. 05-08-57 AND COMPREHENSIVE ZONING ORDINANCE NO. 00-11-01; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas (the "City Council"), has investigated and determined that Comprehensive Zoning Ordinance No. 00-11-01 and City of Frisco Ordinance No. 05-08-57 should be amended; and pursuant to a notice being duly posted according to law, conducted a public hearing wherein a request was made by the City of Frisco, Texas (the "Applicant"), to allow a Specific Use Permit ("SUP") for a Parking Structure (Greater Than 48-Feet in Height) on a tract of land zoned Planned Development-153-Mixed Use. The tract of land is situated in the W. B. Watkins Survey, Abstract No. 1004, in the City of Frisco, Collin County, Texas ("Frisco"), containing 5.5 acres of land, more or less, and being particularly described in Exhibit "A", attached hereto and incorporated herein for all purposes; and

WHEREAS, the City Council finds that Applicant has agreed to comply with all provisions of the ordinances of Frisco, including but not limited to Frisco's Comprehensive Zoning Ordinance No. 00-11-01 and City of Frisco Ordinance No. 05-08-57, and has further agreed to comply with the additional restrictions set forth herein and the site plan, attached hereto as Exhibit "B" and incorporated herein for all purposes; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of Frisco to grant the Specific Use Permit herein, and

that such grant will not be detrimental to the public welfare, safety or health, and that the Specific Use Permit should be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Specific Use Permit Granted. Applicant is granted a Specific Use Permit to allow a Parking Structure (Greater Than 48-Feet in Height) on the Property, which is zoned Planned Development-153-Mixed Use.

The Property as a whole and the boundaries are more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes as if set forth verbatim (the "Property"). The general location of the Property is depicted on Exhibit "A-1", attached hereto. The Property shall be developed in compliance with the conditions expressly stated in the site plan, attached hereto as Exhibit "B".

SECTION 3: Failure to Comply/Assignable and Transferable. Except as otherwise stated above, all terms of the Specific Use Permit shall be complied with prior to issuance of a certificate of occupancy. Failure to comply with any term or condition of this Ordinance and/or Frisco's Comprehensive Zoning Ordinance No. 00-11-01, and/or City of Frisco Ordinance 05-08-57, as they exist or may be amended, will result in the Specific Use Permit being declared null and void and of no force and effect. The Specific Use Permit is issued to the entity named above and is assignable and transferable.

SECTION 4: Specific Use Permits Regulations. Upon holding a properly notified public hearing, the City Council may amend, change, or rescind a specific use permit if:

1. There is a violation and conviction of any of the provisions of this Ordinance, or any ordinance of the City of Frisco, that occurs on the Property;
2. The building, premise, or land used under this Specific Use Permit are enlarged,

modified, structurally altered, or otherwise significantly changed unless a separate Specific Use Permit is granted for such enlargement, modification, structural alteration, or change;

3. Violation of any provision of the terms or conditions of this Specific Use Permit;
4. Ad valorem taxes on the Property are delinquent by more than six (6) months;
5. The Specific Use Permit was obtained by fraud or deception; or
6. As otherwise permitted by law and/or Frisco's Comprehensive Zoning Ordinance No. 00-11-01, as it exists or may be amended.

SECTION 5: Specific Use Permit Effective Date. This Specific Use Permit shall be effective from and after the effective date of this Ordinance. Upon termination of this Specific Use Permit, the Property shall cease to be used as provided herein unless another Specific Use Permit or appropriate zoning has been obtained.

SECTION 6: Unlawful Use of Premises. It shall be unlawful for any person, firm, entity or corporation to make use of the above-referenced tract of land in some manner other than as authorized by this Ordinance or other applicable Ordinances.

SECTION 7: Penalty. Any person, firm, entity or corporation who violates any provision of this Ordinance, Frisco's Comprehensive Zoning Ordinance No. 00-11-01, or City of Frisco Ordinance No. 05-08-57, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 8: Savings/Repealing Clause. Frisco's Comprehensive Zoning Ordinance No. 00-11-01 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby

repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 9: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof regardless of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 10: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

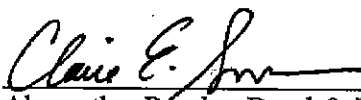
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this 18th day of August, 2009.

MAHER MASO, Mayor

**ATTESTED TO AND
CORRECTLY RECORDED BY:**

APPROVED AS TO FORM:

JENNY PAGE, City Secretary



Abernathy, Roeder, Boyd & Joplin, P.C.
CLAIRE E. SWANN, City Attorneys

Dates of Publication: _____, *Frisco Enterprise*

Exhibit "A-1"

**SUP09-0005
George A. Purefoy Parking Facility
Block A, Lot 1**

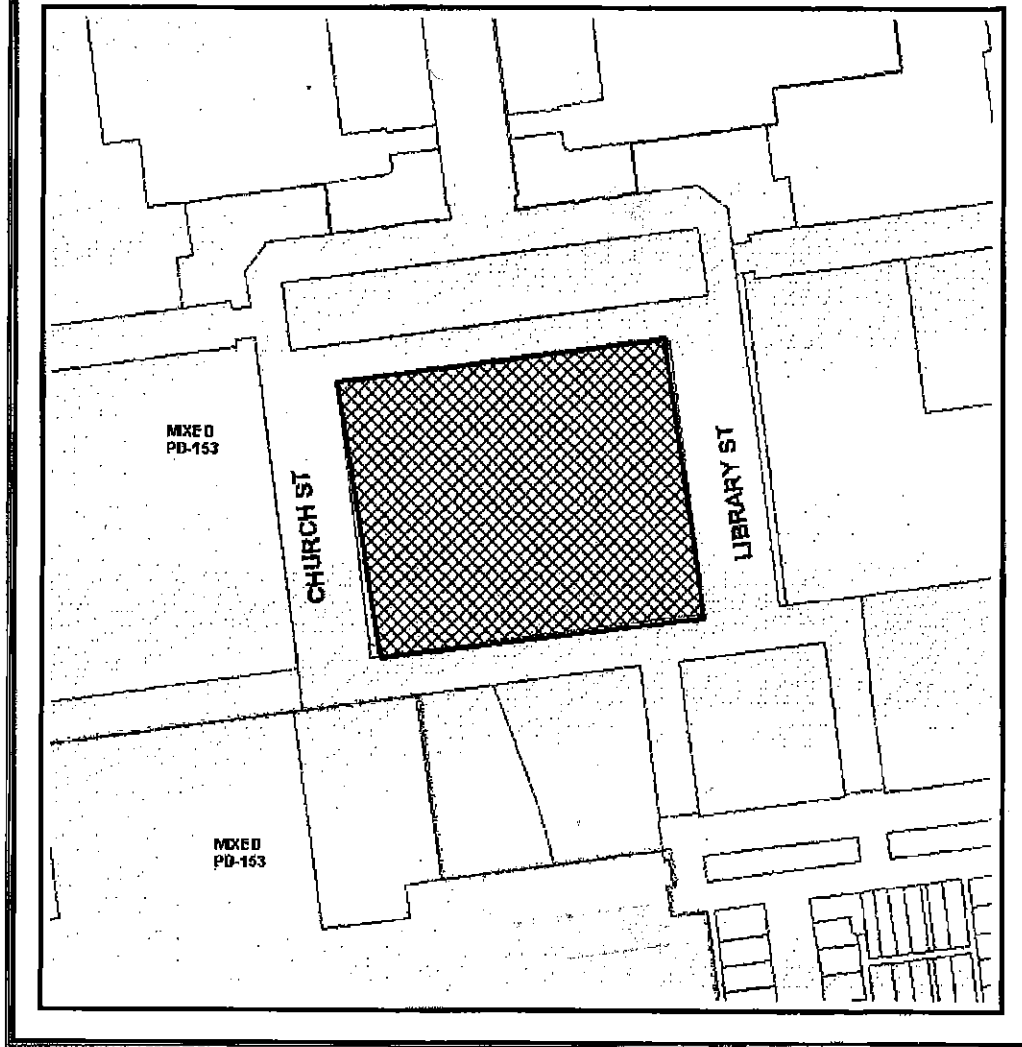


Exhibit "A"
Legal Description

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

WHEREAS, the City of Frisco is the owner of a tract of land situated in the W.B. Watkins Survey, Abstract No. 1004, Collin County, Texas said tract being part of a tract conveyed to the City of Frisco as recorded in Volume 4721, Page 2560, Deed Records of Collin County, Texas and being more particularly described as follows:

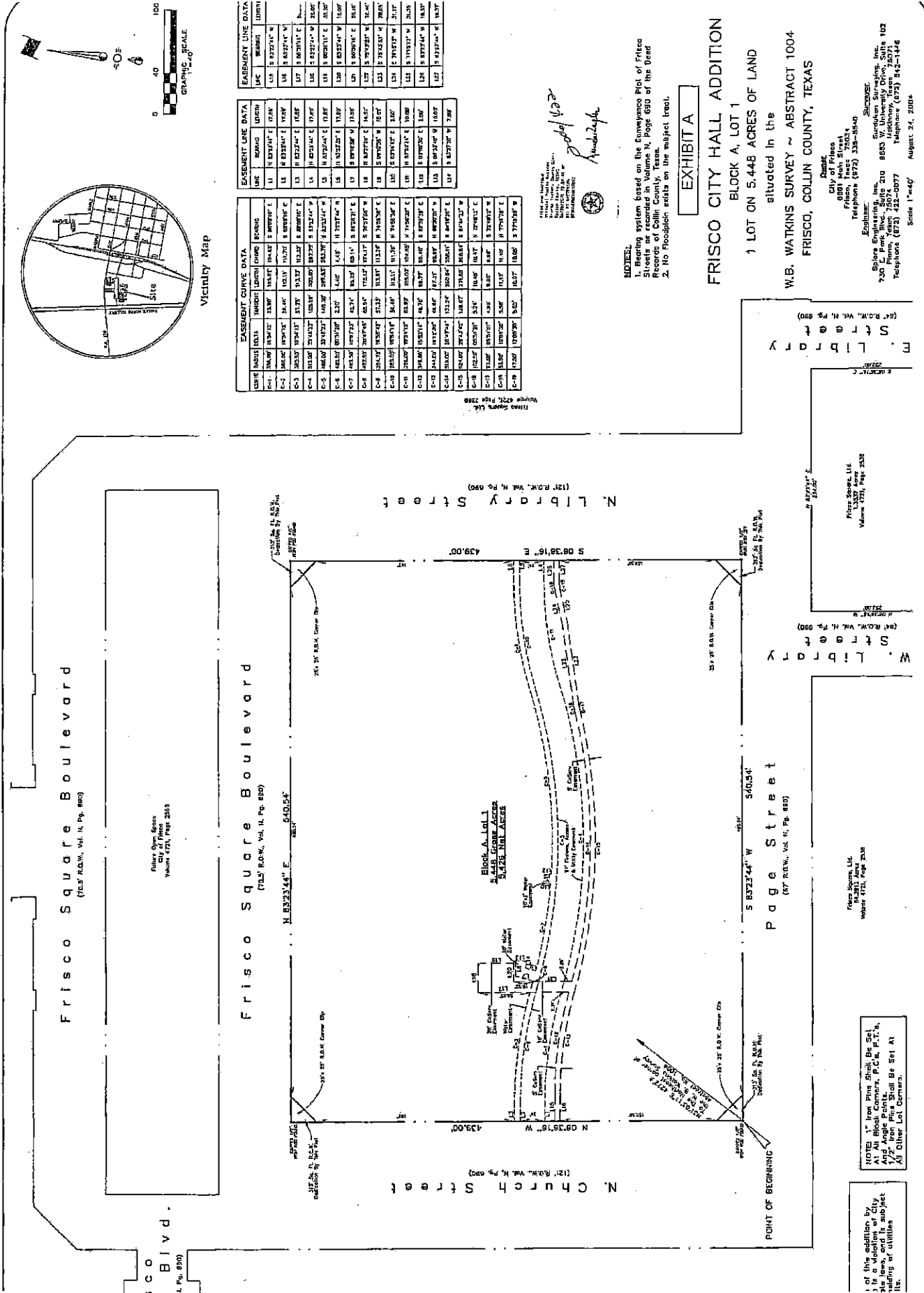
BEGINNING at a capped iron rod found for corner at the intersection of the north right-of-way line of Page Street (67' R.O.W.) and the east right-of-way line of Church Street (121' R.O.W.);

THENCE North 6 degrees 36 minutes 16 seconds West following the east R.O.W. line of said Church Street a distance of 439.00 feet to a capped iron rod found for corner at the intersection of the east R.O.W. line of Church Street and the south R.O.W. line of Frisco Square Blvd. (70.5' R.O.W.) said Frisco Square Blvd.;

THENCE North 83 degrees 23 minutes 44 seconds East following the south R.O.W. line of Frisco Square Blvd. a distance of 540.54 feet to a capped iron rod found for corner at the intersection of the south R.O.W. line of Frisco Square Blvd. and the west R.O.W. line of Library Street (121' R.O.W.);

THENCE South 6 degrees 36 minutes 16 seconds East following the west R.O.W. line of said Library Street a distance of 439.00 feet to a capped iron rod found for corner at the intersection of the west R.O.W. line of Library Street and the north R.O.W. line of said Page Street;

THENCE South 83 degrees 23 minutes 44 seconds West following the north R.O.W. line of said Page Street a distance of 540.54 feet to the POINT OF BEGINNING and containing 237,297 square feet or 5.448 acres of land.



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